

Amendments to Senate Bill No. 300
3rd Reading Copy

Requested by Representative John Ward

For the House Judiciary Committee

Prepared by David Niss
March 23, 2007 (6:35am)

1. Title, line 5.

Following: "61-5-133,"

Insert: "61-9-419, 61-9-420, 61-9-421, 61-9-422, 61-9-423,"

2. Title, lines 6 and 7.

Strike: "REPEALING" on line 6 through "MCA" on line 7

Insert: "PROVIDING A TERMINATION DATE"

3. Page 4.

Following: line 13

Insert: "Section 3. Section 61-9-419, MCA, is amended to read:

"61-9-419. "Properly restrained" defined. As Effective October 1, 2011, as used in 61-9-420 through 61-9-423, "properly restrained" means fastened in a manner prescribed by the manufacturer of the system that permits the system to act as a body restraint, but does not mean a system in which the only body restraint is a safety belt of the type required by 61-9-409."

{ Internal References to 61-9-419:

61-9-420*A}"

Insert: "Section 4. Section 61-9-420, MCA, is amended to read:

"61-9-420. Child safety restraint systems -- standards -- exemptions. (1) If Effective October 1, 2011, if a child under 6 years of age and weighing less than 60 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint."

{ Internal References to 61-9-420:

61-5-106A

61-5-133A

61-9-419*A

61-9-420*A

61-9-421A

61-9-422A

61-9-422A

61-9-423A

61-13-103A}"

Insert: "Section 5. Section 61-9-421, MCA, is amended to read:

"61-9-421. Certain vehicles exempt. Section Effective

OVER

October 1, 2011, 61-9-420 is not applicable to a vehicle that:

(1) is a motorbus, schoolbus, taxicab, moped, quadricycle, or motorcycle or is not required to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984; or

(2) has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle."

{Internal References to 61-9-421:

61-9-419*A 61-9-420*A}"

Insert: "Section 6. Section 61-9-422, MCA, is amended to read:

"**61-9-422. Evidence admissible without presumption of negligence.** Evidence Effective October 1, 2011, evidence of compliance or failure to comply with 61-9-420 is admissible in any civil action for personal injury or property damage resulting from the use or operation of a motor vehicle, but failure to comply with 61-9-420 does not alone constitute negligence."

{Internal References to 61-9-422:

61-9-419*A 61-9-420*A}"

Insert: "Section 7. Section 61-9-423, MCA, is amended to read:

"**61-9-423. Penalty. Violation** Effective October 1, 2011, violation of 61-9-420 is punishable by a fine of not more than \$100."

{Internal References to 61-9-423:

61-9-419A 61-9-420A}"

Renumber: subsequent sections

4. Page 7, lines 4 and 5.

Strike: section 8 in its entirety

5. Page 7.

Following: line 5

Insert: "NEW SECTION. **Section 13. Termination.** [Sections 1 and 2 and 8 through 12] terminate October 1, 2011."

- END -